

U.S. Patent Application No. 10/074,333
Amendment dated June 16, 2004
Reply to Office Action dated March 17, 2004

REMARKS/ARGUMENTS

Reconsideration and continued examination of the above-identified application are respectfully requested.

The amendment to the claims further defines what applicants regard as their invention. Support for the amendment can be found throughout the present application, including the claims as originally filed, such as claims 1 and 2, as well as the specification at pages 6-8. Furthermore, since the scope of the amended claims has been already examined, no further searching is necessitated by this amendment, nor should there be any new questions of patentability raised by this amendment. Furthermore, the amendment places the application in immediate condition for allowance or at the very least in a better condition for appeal. Accordingly, since no questions of new matter are raised by the amendment and for the other reasons set forth above, entry of the amendment is respectfully requested.

By way of this amendment, claims 1-3, 6-12, and 14-26 are pending. The Examiner has indicated that claims 8, 16, and 17 are allowed.

At page 2 of the Office Action, the Examiner rejects claims 1, 18-21, 23, and 24 under 35 U.S.C. §102(a) as being anticipated by Amin-Sanayei et al. (WO 01/34670 A1). The Examiner asserts that with respect to claim 1, the rejection covers the situation where components a) and b) are the same. The Examiner asserts that Amin-Sanayei, in Example 1, shows the formation of a dispersion containing a latex which is a fluoropolymer containing sterically hindered silane groups. The Examiner further notes that Amin-Sanayei et al. further shows the use of a composition as a coating and further shows fluoropolymers that are cross-linked. With respect to the other rejected

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claims, the Examiner asserts that Amin-Sanayei et al. shows these other components including the preferred silane monomers. For the following reasons, this rejection is respectfully traversed.

Claim 1 and the claims dependent thereon now relate to a cross-linkable fluoropolymer dispersion wherein the polymer product identified as a) is different from the aqueous dispersion of at least one fluoropolymer recited in b). As stated previously and as acknowledged by the Examiner, Amin-Sanayei et al. does not teach or suggest a cross-linkable fluoropolymer dispersion wherein a) and b) are different. Accordingly, for this reason, this rejection should be withdrawn.

At page 3 of the Office Action, the Examiner rejects claims 1, 18-21, 23, and 24 under 35 U.S.C. §102(b) as being anticipated by Kobayashi et al. (U.S. Patent No. 5,859,123). The Examiner asserts that this rejection covers the situation where components a) and b) are the same. The Examiner further asserts that Kobayashi et al., at column 1, shows a water-based fluorine containing emulsion that is a one-package paint providing a coated film. The Examiner further asserts that Kobayashi et al. shows that the emulsion is produced by the copolymerization of a fluoroolefin and an olefinic-containing silicon compound. The Examiner further asserts that the other rejected claims are shown by Kobayashi et al. For the following reasons, this rejection is respectfully traversed.

Claim 1 recites a cross-linkable fluoropolymer dispersion wherein the polymer product of at least one polymerizable acrylic and/or vinyl containing monomer is in the presence of an aqueous dispersion of at least one fluoropolymer. Thus, the fluoropolymer is dispersed in the aqueous dispersion and the polymer product of at least one polymerizable acrylic and/or vinyl containing monomer is dispersed in this polymer. Further, the claim recites that a) and b) are different which

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the Examiner has indicated is not taught in Kobayashi et al. Unlike claim 1 which involves a polymer dispersed in another polymer, Kobayashi et al. relates to a polymer in one phase. Kobayashi et al. does not relate to a polymer dispersed in another polymer. Thus, Kobayashi et al. does not teach the subject matter of these claims, and the rejection should be withdrawn.

At page 4 of the Office Action, the Examiner rejects claims 2, 4-6, 7, 9-12, 14, 15, 22, 25, and 26 under 35 U.S.C. §103(a) as being unpatentable over Amin-Sanayei et al. and Chen et al. (U.S. Patent No. 5,621,038). The Examiner asserts that Amin-Sanayei et al. shows fluoropolymers containing one or more organo-silane functionalities that are sterically hindered groups corresponding to applicant's component b). The Examiner further asserts that Chen et al. shows silane containing polymers that have a shelf life of 12 or 24 months which is greater than the 3 months claimed by applicants in claim 22. The Examiner further asserts that Chen shows polymers that contain sterically hindered silane groups and further shows polymers that are vinyl acrylics and two different monomers may be used in a copolymer. The Examiner further asserts that Amin-Sanayei et al. and Chen et al. are analogous art and therefore combinable. The Examiner further indicates at pages 8-9 of the Office Action, that the references are analogous and gives the reason that Amin-Sanayei et al. discusses the Chen et al. reference on page 2, lines 11-19. The Examiner further indicates, for the reasons set forth in the Office Action, that it would be fair to combine Amin-Sanayei et al. with Chen et al. For the following reasons, this rejection is respectfully traversed.

With respect to claims 4 and 5, these claims have been canceled. Claim 15 has been amended to be dependent on allowed claim 8. Claim 22 has been amended to be dependent on

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claim 1. Thus, the issues relating to these four claims are no longer applicable to the present §103 rejection. With respect to claim 2 and the claims dependent thereon, claim 2 now recites that the sterically hindered silane or silane group is polymerized in the backbone of a) alone. As appreciated by the Examiner, Amin-Sanayei et al. teaches that the silane or silane group is part of the fluoropolymer. In addition, Chen et al. relates to a non-fluoropolymer wherein any sterically hindered silane group is part of the non-fluoropolymer. Thus, even if Chen et al. is somehow combinable with Amin-Sanayei et al., by doing so, one would have a polymer wherein hindered silane groups would be present in both a) and b). Thus, claim 2 would not be taught or suggested by Chen et al. alone, Amin-Sanayei et al. alone, or a combination.

Furthermore, the applicants stand by the previous comments set forth in the amendment filed December 23, 2003, regarding the combinability of these references. Furthermore, even though Amin-Sanayei et al. mentions the Chen et al. patent in the background, it is respectfully noted that the reference did not indicate that Chen et al. was relevant to fluoro chemistry. In fact, at page 2, lines 17-19, Amin-Sanayei et al. specifically states that Chen et al. does not mention the use of fluoropolymers. Clearly, even Amin-Sanayei et al. acknowledged Chen's lack of relevance in the fluoropolymer chemistry area.

For these reasons, the rejections should be withdrawn.

CONCLUSION

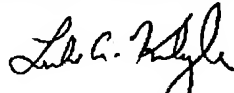
In view of the foregoing remarks, Applicants respectfully request the reconsideration of this application and the timely allowance of the pending claims.

If there are any other fees due in connection with the filing of this response, please charge

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the fees to Deposit Account No. 50-0925. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such extension is requested and should also be charged to said Deposit Account.

Respectfully submitted,



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